

LAW OFFICES OF RACHEL S. BLUMENFELD PLLC
Proposed Attorneys for
Debtor and Debtor-In-Possession
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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In Re:

Shelburne Bar & Grill Inc.
dba The Irish Pub

Chapter 11
Case No: 21-10014-jlg

Debtor & Debtor-in-Possession.
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**APPLICATION TO EMPLOY AND RETAIN
THE LAW OFFICE OF RACHEL S. BLUMENFELD PLLC
AS COUNSEL FOR THE DEBTOR *NUNC PRO TUNC* TO JANUARY 6, 2021**

**TO: THE HONORABLE JAMES L. GARRITY JR.
UNITED STATES BANKRUPTCY JUDGE**

The above captioned debtor and debtor-in-possession, Shelburne Bar & Grill Inc., dba The Irish Pub, the debtor and debtor-in-possession (the “Debtor”) by their Partner, Eugene Rooney, files this application (the “Application”) seeking entry of an order authorizing the Debtor’s retention of The Law Office of Rachel S. Blumenfeld PLLC as its attorneys. In support of its Application, the Debtor respectfully alleges as follows:

JURISDICTION

1 This Court has jurisdiction over this Application pursuant to 28 U.S.C. §§157 and 1334. This is a core proceeding within the meaning of 28 U.S.C. 157(b)(2). Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The statutory basis for relief requested herein is §327(a) of title 11 of the United States Code, 11 U.S.C. §§ 101, et seq., as amended by the Bankruptcy Abuse Preven-

tion and Consumer Protection Act of 2005 (the “Bankruptcy Code”) and Rules 2014(a) and 6003 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”).

BACKGROUND

3. On January 6, 2021, (the “Filing Date”), the Debtor filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code (the “Bankruptcy Code”). The Debtor has not continued in possession of its property and the management of its business affairs as debtors-in-possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. No trustee, examiner or statutory committee has been appointed.

4. The Debtor was in the business of operating a bar and grill for the space located at 835-837 7th Avenue, New York, New York.

RELIEF REQUESTED

5. The Debtor seeks to retain and employ The Law Office of Rachel S. Blumenfeld PLLC as its attorney to file and prosecute its Chapter 11 case and all related matters, effective *nun pro tunc* to January 6, 2021. Accordingly, the Debtor requests entry of an order in substantially the form annexed hereto and pursuant to Bankruptcy Code § 327(a) and Bankruptcy Rule 2014(a) authorizing the Debtor to employ and retain The Law Office of Rachel S. Blumenfeld PLLC as their attorney to perform services necessary in the Chapter 11 Case. The Debtor was informed that each of the attorneys who will be engaged in these services is duly admitted to practice in this Court as well as the Courts of the State of New York.

6. The professional services that The Law Office of Rachel S. Blumenfeld PLLC are to render to the Debtor may be summarized as including:

- a. To give advice to the Debtor with respect to its powers and duties as Debtor-in-Possession and the continued management of its property and affairs.
- b. To negotiate with creditors of the Debtor and work out a plan of reorganization and take the necessary legal steps in order to effectuate such a plan including, if need be, negotiations with creditors and other parties in interest.
- c. To prepare on behalf of the Debtor all necessary schedules, application, motions, answers, orders, reports, and other legal papers required for the Debtor that seek protection from its creditors under Chapter 11 of the Bankruptcy Code.
- d. To appear before the Bankruptcy Court to protect the interest of the Debtor and to represent the Debtor in all matters pending before the Court.
- e. To represent the Debtor, if need be, in connection with obtaining post-petition financing.
- f. To take any necessary action to obtain approval of a disclosure statement and confirmation of a plan of reorganization.
- g. To perform all other legal services of the Debtor which may be necessary for the preservation of the Debtors estate and to promote the best interest of the Debtor, its creditors and its estate.

7. The Debtor has selected the Law Office of Rachel S. Blumenfeld PLLC for the reason that it has experience in representing debtors in matters of this nature, and the Debtor believes that the Law Office of Rachel S. Blumenfeld PLLC is well qualified to act as its attorney and to represent it as a debtor and debtor-in-possession in this case.

8. It is necessary for the Debtor to employ The Law Office of Rachel S. Blumenfeld PLLC for such professional services pursuant to § 327 of the Bankruptcy Code.

9. Subject to Court approval, compensation will be paid to The Law Office of Rachel S. Blumenfeld PLLC for services provided on an hourly basis plus reimbursement

of actual and necessary expenses incurred. The Law Office of Rachel S. Blumenfeld PLLC's hourly rates for matters relating to this Chapter 11 proceeding are as follows:

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|----------------------------|-------|
| Rachel S. Blumenfeld, Esq. | \$450 |
| Of counsel | \$450 |
| Paraprofessional | \$150 |

10. The hourly rates above are subject to periodic adjustment to reflect economic and other conditions. The hourly rates above are standard, if not below standard, rates for work of this nature. These rates are designed to fairly compensate The Law Office of Rachel S. Blumenfeld PLLC for the work for its attorneys and paraprofessionals and to cover fixed routine overhead expenses.

11. On or about January 6, 2021 the Law Office of Rachel S. Blumenfeld PLLC received a retainer payment in the sum of \$12,500.00 (plus the filing fee) as a retainer (the "Retainer") to act as counsel to the Debtor and to represent it as a debtor and debtor-in-possession in this case.

12. To the best of Debtor's knowledge, the Law Office of Rachel S. Blumenfeld PLLC has no present connection with the Debtor's creditors or any other parties in interest or their respective attorneys.

13. To the best of Debtor's knowledge, The Law Office of Rachel S. Blumenfeld PLLC represents no interest adverse to the debtor and debtor-in-possession, or this estate, or any other interested person in the matters with respect to which The Law Office of Rachel S. Blumenfeld PLLC is being retained by the Debtor.

14. The Debtor submits that the retention of The Law Office of Rachel S. Blumenfeld PLLC is necessary and is in the best interests of this estate.

15. The Law Office of Rachel S. Blumenfeld PLLC is a “disinterested person” as that term is defined in § 101(14) of the Bankruptcy Code, in that the firm:

- a. is not a creditor, equity security holder or insider of the Debtor;
- b. is not and was not an investment banker for any outstanding security of the Debtor;
- c. has not been, within three years before the date of the filing of the Debtor’s Chapter 11 petition; (i) an investment banker for a security of the debtor; or (ii) an attorney for such an investment banker in connection with the offer, sale or issuance of a security of the Debtor; and
- d. is not and was not, within two years before the date of the filing of the Debtor’s Chapter 11 petition, a director, officer, or employee of the Debtor or of an investment banker specified in subparagraph (b) or (c) of this paragraph.

16. The Law Office of Rachel S. Blumenfeld PLLC will be paid for the legal services rendered upon application duly filed with this Court pursuant to Bankruptcy Code 330 and pursuant to the procedures established by the Order Pursuant to 111 U.S.C. Section §§ 105(a) and 331 Establishing Procedures for Monthly Compensation and Reimbursement of Expenses of Professionals as may be further entered by this Court.

17. The Debtor desires to employ The Law Office of Rachel S. Blumenfeld PLLC pursuant to Bankruptcy Code § 327 because of the extensive legal services, which are required and indeed are anticipated for a successful reorganization under Chapter 11 of the Bankruptcy Code.

18. No prior request for the relief sought herein has previously been made.

WHEREFORE, the Debtor respectfully prays for the entry of the annexed Order

authorizing the employment of The Law Office of Rachel S. Blumenfeld PLLC, *nunc pro tunc* to January 6, 2021, together with such other and further relief as appears just to this Court, for all of which no previous application has been made.

Dated: Brooklyn, New York
January 25, 2021

Shelburne Bar & Grill Inc., dba The Irish Pub

/s/ Eugene Rooney

By: Eugene Rooney